

REMARKS AND COMMENTS ON REASONS FOR ALLOWANCE

In an attachment to the Notice of Allowability that was mailed on October 11, 2006, the Examiner presented the following statement of reasons for allowance:

The prior art does not suggest a paper reel storage system with a fork leveling system which detects the load directly, instead of an aspect of the loading on a portion of the fork,

This statement is absolutely correct and describes a principal distinction between the present invention and the prior art. This statement sets forth a sufficient reason for allowing the pending claims.

The statement of reasons for allowance also includes the following:

and which has an actuator that accepts measured data, instead of control signals from the controller.

Applicant submits that this statement does not accurately describe the invention or reflect the scope of the allowed claims, and thus does not accurately reflect the scope of the invention that will be protected by the issued patent.

Specifically, the claims of the present application do not exclude the application of control signals from a controller.

In the Amendment filed on August 10, 2006, claim 1 was amended by deletion, inter alia, of a mention of a control means. This amendment was made simply in response to a formal rejection made in the Examiner's action dated May 17, 2006. In the remarks of the amendment dated August 10, 2006, it was specifically stated that the reference to "a control means"

was deleted only because it was "unnecessary to fully define the novel machine according to the invention." In other words, since the mention of control means was considered by the examiner to raise a definiteness issue and was not needed to define the contribution of the invention over the prior art, it was considered that deletion of mention of control means would eliminate any possible indefiniteness problem.

It was not intended, however, to suggest that a machine covered by claim 1 would not include a controller that produces control signals. Clearly, as disclosed in the present application, a machine according to the present invention will include a controller that receives measuring data and outputs control signals for the actuator. In other words, the recitation in application claim 1 of "an actuator (8) coupled to said at least one measuring device" does not exclude the provision of a controller that couples the actuator to the measuring device and it would be understood from the present specification that claim 1 encompasses a machine in which the actuator is so coupled to the measuring device.

The most specific statement in the specification that is relevant to this issue is the following:

measuring devices (7) that detect the carrying load of the picked-up paper reel (P), which transmit the detected measuring data via a control means to an actuator (8) that is coupled to the fork (1)

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Therefore, in summary, the apparatus disclosed in the present application includes a controller, so that the portion of the Examiner's statement of reasons for allowance that might be considered to suggest that the actuator defined

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Amd. dated December 7, 2006
Reply to Office Action of October 11, 2006

in claims 1 of the present application does not accept control signals from a controller is inaccurate.

In order to resolve any possible ambiguity in the claims, it is proposed herein to amend claim 1 to clarify that the data sent to the fork is derived from the measuring data. This cannot be considered to be a broadening amendment because it simply better conforms the claims to the specification. The specification does not disclose, and applicant never asserted, that data is sent directly from the measuring device to the actuator.

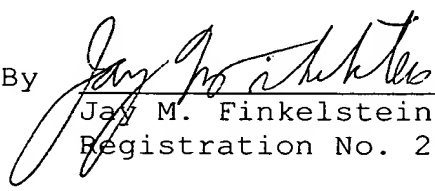
Moreover, wholly aside from the question, the first part of the statement of reasons for allowance clearly sets forth a valid reason for allowing the pending claims.

It is therefore requested that the amendment be entered and the application proceed to issue.

Respectfully submitted,

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